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TRACY AVILDSSEN AND STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN BROSNAN,

Plaintiff,

vs.

TRACY AVILDSSEN aka TRACY
BROOKS SWOPE, STATE FARM
MUTUAL AUTOMOBILE INSURANCE
COMPANY, INCORPORATED, and
DOES 1 - 233,

Defendants.

Case No. CV 07-6438 EDL

**ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS**

[PROPOSED]

The motion of Defendants TRACY AVILDSSEN AND STATE FARM
MUTUAL AUTOMOBILE INSURANCE COMPANY, INC. under Federal Rules of

1 Civil Procedure, Rules 12(b)(1), 12(b)(3), 12(b)(6), and 12(f) for dismissal of
2 plaintiff's Complaint and to strike portions of the Complaint came on regularly for
3 hearing on May 27, 2008.

4 After considering the moving and opposition papers, the exhibits and
5 declarations submitted by both parties, the arguments of counsel and all other matters
6 presented to the Court, the Court grants defendant's motion to dismiss without leave
7 to amend on the grounds that the Court lacks subject matter jurisdiction over this
8 matter. Even if the Court had subject matter jurisdiction, the case was filed in the
9 improper venue.

10 **IT IS SO ORDERED.**

11
12 DATED: _____, 2008

Elizabeth D. Laporte
United States Magistrate Judge